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 GUIDANT CORPORATION

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

KENNETH B. RICKER,

Plaintiff,

vs.

GUIDANT CORPORATION; and Does 1 to 20,
 inclusive,

Defendants.

Case No. C-06-03922 MMC

**STIPULATION AND ORDER TO STAY
 ALL PROCEEDINGS; ORDER
 DIRECTING PARTIES TO FILE STATUS
 REPORT**

IT IS HEREBY STIPULATED by and between the parties through their designated counsel that the deadlines for Defendant GUIDANT CORPORATION to answer or otherwise respond to the Complaint, and for the parties to participate in any and all pretrial proceedings, will be stayed and will be set by the MDL transferee district court in the District of Minnesota ("MDL Court") that will be managing the recently-created multidistrict litigation entitled *In Re Guidant Corp. Implantable Defibrillators Products Liability Litigation*.

There are over 340 cases that have been filed in or removed to federal court against Defendant nationwide in which plaintiffs, like Kenneth B. Ricker, allege that they are seeking compensatory damages for various personal injuries allegedly caused by an implantable defibrillator. Approximately 240 of these cases have already been consolidated in *In re: Guidant Corp. Implantable Defibrillators Products Liability Litigation*, MDL No. 05-1708, which is pending in the

United States District Court for the District of Minnesota. On November 7, 2005, pursuant to 28 U.S.C. §1407, the Judicial Panel on Multidistrict Litigation entered a Transfer Order establishing an MDL and consolidating and transferring a number of cases to the MDL Court. A copy of the Transfer Order is attached as Exhibit A. Defendant intends to submit this case to the Judicial Panel on Multidistrict Litigation as a tag-along case for transfer to the MDL. Defendant expects the transfer of this case to be transferred to the MDL Court completed in the near future.

There have been no previous time modifications entered in the case. The current deadline for Defendant to answer or otherwise respond to the Complaint is July 3, 2006. The upcoming pretrial deadlines are as follows:

- September 1, 2006 – last day to meet and confer regarding ADR process selection and proposed discovery plan;
- September 15, 2006 – last day to complete initial disclosures and file case management conference statement and Rule 26(f) report;
- September 22, 2006 – Initial Case Management Conference.

In the short intervening time between now and the transfer of this case to the MDL Court, the time and resources of the parties and this Court should not be expended in preparing answers or other responses and participating in pretrial proceedings.

Pursuant to this stipulation, the parties agree that the current deadlines for Defendant to answer or otherwise respond to the Complaint and for the parties to participate in pretrial proceedings are stayed and will be set by the MDL Court.

IT IS SO STIPULATED.

June 29, 2006

THE BRANDI LAW FIRM

By: /s/ Casey A. Kaufman
THOMAS J. BRANDI
CASEY A. KAUFMAN

Attorneys for Plaintiff
KENNETH B. RICKER

1 June 29, 2006

SHOOK, HARDY & BACON L.L.P.

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3 By: /s/ Sara J. Romano
4 DANA N. GWALTNEY
5 SARA J. ROMANO

6 Attorneys for Defendant
7 GUIDANT CORPORATION
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ORDER

IT IS HEREBY ORDERED, in accordance with the agreement between the parties, and in light of the pending transfer of this case to a multidistrict litigation proceeding, that the current deadlines for Defendant to answer or otherwise respond to the Complaint and for the parties to participate in pretrial proceedings are stayed and will be set by the MDL transferee district court in the District of Minnesota.

In the event the instant action has not been transferred as of October 6, 2006, the parties shall file a joint status report on October 6, 2006.

Dated: July 5, 2006


THE HONORABLE MAXINE MCHESNEY